

PCT
NOTIFICATION OF TRANSMITTAL
OF COPIES OF TRANSLATION
OF THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 72.2)

From the INTERNATIONAL BUREAU

To:

KAHLHÖFER, Hermann
 Bardehle . Pagenberg . Dost .
 Altenburg . Geissler . Isenbruck
 Uerdinger Str. 5
 D-40474 Düsseldorf
 ALLEMAGNE

2 KNH
 Emission et al
 Düsseldorf
 12 Dec. 2001
 JH

Date of mailing (day/month/year) Kahlhöfer . Neumann . Heilein 29 November 2001 (29.11.01) 75 · D-40210 Düsseldorf		IMPORTANT NOTIFICATION
Applicant's or agent's file reference E41365PC 11. Dez. 2001		
International application No. PCT/EP00/04639	International filing date (day/month/year) 22 May 2000 (22.05.00)	
Applicant EMITEC GESELLSCHAFT FÜR EMISSIONSTECHNOLOGIE MBH et al		

1. Transmittal of the translation to the applicant.

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

2. Transmittal of the copy of the translation to the elected Offices.

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AU, CA, CN, JP, KP, KR, NZ, US

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AP, EA, EP, AL, AM, AT, AZ, BA, BB, BG, BR, BY, CH, CU, CZ, DE, DK, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, KE, KG, KZ, LC, LK, LR, LS, LT, LU, LV, MD, MG, MK, MN, MW, MX, NO, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, UA, UG, UZ, VN, YU, ZW, OA

3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO
 34, chemin des Colombettes
 1211 Geneva 20, Switzerland

Facsimile No. (41-22) 740.14.35

Authorized officer

Sophie Chamot

Telephone No. (41-22) 338.83.38

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference E41365PC	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/04639	International filing date (<i>day/month/year</i>) 22 May 2000 (22.05.00)	Priority date (<i>day/month/year</i>) 31 May 1999 (31.05.99)
International Patent Classification (IPC) or national classification and IPC B29C 67/00		
Applicant EMITEC GESELLSCHAFT FÜR EMISSIONSTECHNOLOGIE MBH		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 08 November 2000 (08.11.00)	Date of completion of this report 20 June 2001 (20.06.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

I. Basis of the report**1. With regard to the elements of the international application:***

- ☐ the international application as originally filed
- ☒ the description:
pages 1-13, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the claims:
pages 1-13, as originally filed
pages _____, as amended (together with any statement under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☒ the drawings:
pages 1/2-2/2, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ claims Nos. 1-13

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☒ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. 1-13
are so unclear that no meaningful opinion could be formed (*specify*):

SEE ANNEX

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☐ no international search report has been established for said claims Nos. _____

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: III

With regard to the drawing and the description, the wording of Claims 1, 2, 4, 7 and 10 does not create a clear picture of what is to be protected.

There particularly is lack of clarity as regards the following points:

- 1.) An essential feature of the inventions seems to be a layered design of the honeycomb.

However, with regard to Figures 1-4 it is entirely unclear in what way the honeycomb has a layered design (cf. Fig. 1: e.g. design of the honeycomb by layers which are arranged horizontally (by means of stacking), vertically, or radially (by means of winding a layer)).

- 2.) It is unclear how the claimed wall (Claim 2) is structurally related to the layered design of the honeycomb and how the layers form this wall.

Is the wall, for example, formed by an element according to Figure 2, which encloses the honeycomb from outside?

How is the wall integrated into the honeycomb designed in layers?

Does the wall also form a layer?

- 3.) It is not clearly indicated in the application

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: I I I

whether the elements shown in Figures 2 and 3 are walls or whether they are layers for the layered design of the honeycomb.

- 4.) Fig. 3 discloses a structure designed in layers. However, it is unclear whether this structure is to be interpreted as a wall or as a layer for the layered design of the honeycomb.

Is it correct that the wall-like structure according to Figure 3 itself has a layered design? (see layers 24, 25 and 26).

- 5.) As regards Fig. 4 it is unclear where the layers are and how the layers are arranged.
- 6.) It is unclear how the channels are formed. (e.g. by elements or structures according to Fig. 2 and 3 being stacked on one another or next to each other).
- 7.) Product Claim 12 does not contain a single product feature. It is therefore unclear what is to be protected by the claim.
- 8.) The description on page 4, line 9 describes a "one-piece" honeycomb. However, this one-piece design of the honeycomb appears to openly contradict the layered design of the honeycomb.

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

- 1.) Contrary to PCT Rule 5.1(a)(ii), the description does not cite the search report citations or indicate the relevant prior art disclosed therein.
- 2.) The introductory part of the description also should have indicated what document was the starting point for the preamble of the independent claims.

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

- 1.) The large number of independent Claims (1, 2, 4, 7 and 10) discloses that the claims are not worded concisely. The large number of independent claims alone makes it appear difficult if not impossible to determine the subject matter for which protection is sought.

Claims 1, 2, 4, 7 and 10 therefore do not meet the requirements of PCT Article 6.

- 2.) The claims further contain the following lack in clarity (PCT Article 6):

Claim 1: To what is the electrically conductive material applied?

Claim2: The functional indication "structure for influencing the passing fluid" does not enable a person skilled in the art to determine which technical and design measures are necessary to carry out the indicated function. What precisely does "influencing" mean?

Moreover, the category of the claim is unclear because this method claim only contains device features in its characterising part.

Claims 1 and 2: What is to be understood by "pre-set layer"?

VIII. Certain observations on the international application

Claim 10: What cut is meant by "along a cut"?

What precisely does "other characteristic" mean?

- 3.) As regards independent Claims 1 and 2 and 4 and 7, there also is the question of the unity of the invention (PCT Rule 13) because the purpose of the subject matter of Claim 1 (and of Claim 4) is measuring and heating in the honeycomb whereas with the subject matter of Claim 2 (and of Claim 7) it is to change the flow characteristics of a fluid, and it is not clear whether the subject matter of the two can be unified in a single inventive idea.